

IN THE SENATE OF THE UNITED STATES.

JUNE 6, 1860.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany bill S. 493.]

The Committee on Claims, to whom was referred the memorial of Augustus Steele, have had the same under consideration, and thereupon report :

The material points presented and sworn to by the memorialist, and supported by departmental communications and other proofs, may be thus stated :

Augustus Steele, being then an inspector of the customs, stationed at Tampa, in the State of Florida, and in the district of St. Mark's, of which Ambrose Crane was the collector of customs, performed the duties of inspector for many years, at an annual salary of \$—— per annum, and was also allowed the use of a row-boat and crew. His accounts for salary and pay of boatmen were rendered quarterly to the collector at St. Mark's, and were always thus rendered receipted in full. The practise of sending in accounts receipted, upon which, in fact, no payments had been made, if not absolutely required in such cases by the Treasury Department, was usual, concurred in, and recognized by it.

In those districts where the receipts were insufficient to meet the expenses, the inspectors, light-keepers, boatmen, and other subordinates usually rendered their accounts to the collector, and by him were transmitted as vouchers to the Secretary of the Treasury, and upon these the funds were transmitted to the collector to pay the officers of his district.

In some cases the collector gave a certificate to the subordinate of the amount thus receipted for, but in others he did not. Upon this point, T. L. Smith, Register of the Treasury, closes his letter, of the 8th January, 1841, addressed to the Secretary, and which is hereunto annexed, thus :

“It may be observed, however, that the collectors at some of the small ports, not having funds on hand, obtained receipts from inspectors and others, to authorize the amounts to be passed to the credit at the treasury, and thereon predicate a requisition for advances ; at the same time, in lieu of payment, give a certificate of the amount

due. From the representations of Mr. Steele, it is probable 'similar arrangements' were made with him by the collector, who, having left the country, neglected to take up his certificates or due bills."

The accounts for salaries and pay of boatmen thus rendered by Steele to Crane, receipted, and by Crane transmitted to the Treasury Department, and allowed by the treasury in the adjustment of Crane's accounts as collector, amounted, September 30, 1838, to the sum of \$2,054, for which amount, on November 15, Crane gave Steele an official acknowledgement or certificate, telling Steele, at the same time, that there were no funds in his possession to pay the accounts.

Subsequently Steele rendered his further accounts for the quarter ending December 31, 1838, also receipted, amounting to the further sum of \$636, less \$156 received—or \$480—making the whole amount for which Steele had receipted, but which he had not been paid, \$2,536. During the last quarter of 1838, Crane found himself a defaulter to the government, and fled to Texas. (Upon this point, see certificate of Governor W. P. Duval.)

The United States instituted suit on the defaulting collector's bond, as will also be seen by the papers annexed.

Mr. Beattie, the successor of Crane, required his subordinates to pursue the same course of receipting and submitting their accounts in advance of payment; and upon the refusal of Steele to do so any longer, he was promptly dismissed from office. This dismissal was laid before the Secretary of the Treasury, and by him before the President, but Beattie was kept in, and Steele out of, office.

The affidavit of Crane, made in Texas, in 1849, as a measure of justice to Steele, is annexed, and is conclusive as to the facts sworn to.

Such are briefly the facts. The House Committee on Claims, through Mr. Dunham, made a favorable report upon this case in 1851, (see Report of Committee, second session, Thirty-first Congress, vol. 1, No. 80,) and reported a bill for Steele's relief.

In this case it is evident that Steele was entitled to receive the amount claimed from the government, and the government chose to pay him only in one particular mode, a mode which required him to receipt his accounts, and to certify on oath that he had received the money for them, when, in fact, he had not received it. This was a wrong to Steele, and it would be a greater wrong to make him stand the insurer for both the government and the collector. It may also be observed that Steele's station was about two hundred miles from St. Mark's, where Crane lived, and that there was no regular intercourse, but at long intervals, between them.

Crane was, under a fair view of the laws involved (see sec. 101, act of March 2, 1799, United States Statutes at Large, vol. 1, p. 700; also, an act approved same day, entitled, "An act to establish the compensation of officers employed in the collection of duties," &c., sec. 2, 1 Statutes at Large, p. 707) and the facts developed, the disbursing officer of the government, and not the agent of his subordinates; and a payment by the government to Crane, was not a payment to Steele, and did not discharge the government from its liability to him.

Your committee therefore report a bill for Steele's relief, and recommend its passage.

INDEX.

	Original.	Print.
Petition.....	3	4
Schedule of evidence for petitioner.....	5	5
Report: Commissioner of Customs to the Secretary of the Treasury, January 23, 1852.....	8	7
Letter: Secretary of the Treasury to Committee on Claims, January 26, 1852.....	9	7
Letter: Secretary of the Treasury to George Gibbs, June 2, 1836, (inclosing).....	10	8
Letter: John Rodman to the Secretary of the Treasury, May 18, 1836.....	11	8
Letter: Secretary of the Treasury to Committee on Claims, January 11, 1841, (inclosing)	13	9
Report: Register of the Treasury to the Secretary, January 8, 1841.....	14	10
Letter: Secretary of the Treasury to the Governor of Florida, February 1, 1841.....	16	11
Certificates of Register of the Treasury, July 9 and 11, 1842.....	17	11
Ambrose Crane's bond.....	18	12
Letter: C. J. Sibley to Solicitor of the Treasury, July 6, 1839.....	20	13
Augustus Steele's affidavit, February 1, 1848.....	21	14
Letter: Solicitor of the Treasury to Joseph T. Walker, July 2, 1846.....	24	15
Ambrose Crane's certificate, September 6, 1849.....	26	16
Letter: General Jesup to Augustus Steele, June 1, 1840.....	29	17
Letter: Ambrose Crane to Augustus Steele, August 14, 1837.....	31	17
Certificate of William P. Duval, June 30, 1842.....	33	18
Letter: Ambrose Crane to Augustus Steele, January 9, 1838.....	36	19
Letter: Same to same, April 4, 1838.....	38	19
Certificate of Ambrose Crane, November 15, 1838.....	40	20
Affidavit of A. P. W. Crane, January 18, 1850	41	20
Certificate of sundry citizens, May 9, 1848.....	44	21

The petition of Augustus Steele, of Hillsborough county, in the State of Florida, respectfully represents:

That for a number of years he was an inspector of the customs of the United States in the collection district of St. Mark's Florida, and that his station was Tampa Bay. That the practice of the Department of the Treasury required that he should be paid for his services through the collector at St. Mark's. That it had been his invariable practice since he had been in the service, and it was required by the collector at St. Mark's, that your petitioner should forward him, before payment, his vouchers for salary, hire of boat hands, &c.; and your petitioner believed this to be a rule of the Department, as it had been the practice of collectors, and the only mode in which his pay could be obtained. That on the 15th day of November, 1838, your petitioner, being then himself at St. Mark's, made application for the sums then due him, and for which his accounts had been, agreeably to the custom aforesaid, rendered and receipted, but was informed by the collector, Ambrose Crane, that there were no funds in hand at the time for the payment of the expenses of the district.

Your petitioner then obtained from said collector a certificate that on the 30th day of September, 1838, there was due him the sum of \$2,054, and also rendered to the said collector his accounts and vouchers receipted to the 31st day of December, 1838, and then returned to his post at Tampa Bay. He further represents, that shortly after this, to wit, in the latter part of the month of November, 1838, the said Crane absconded from the United States without having paid him the sum that was due him by the said certificate, nor for the subsequent quarter ending 31st December, 1838; that he never afterwards saw said collector, and for that obvious reason has no certificate for the last quarter, which had not become due when said Crane absconded.

That the certificate given by Crane was only given to cover the balance which was due petitioner up to the 30th September, 1838. This balance, \$2,056, was found by deducting such sums as had previously been paid him from the amount of the accounts rendered up to that date. The certificate shows, then, that on the 30th September, there certainly was due him \$2,056. His claim is for \$2,536. The difference is the amount of the fourth quarter of that year. For this he has no certificate, for when he forwarded the accounts Crane had gone to Texas. Crane never saw *them*, and petitioner has never seen him since the date of the certificate.

The amount of the claim is made up as follows, to wit:

Amount covered by certificate.....	\$2,056
Amount of 4th quarter's accounts, without certificate	\$636
Deduct amount indorsed on certificate.....	156
	<hr/>
	480
	<hr/>
	2,536

If, then, the certificate is good for anything at all, it establishes petitioner's claim clearly to \$2,056; and the only doubt, it seems,

must be in regard to the balance claimed for the last quarter, and when it is considered that before the last quarter's accounts had accrued, or could have been rendered, Crane had absconded—a defaulter to the government in every capacity in which he was connected with it, and to numerous individuals, as is shown by Governor Duval's certificate—it would seem to carry at least a *moral* conviction of the justice of petitioner's claims for the balance.

Your petitioner, therefore, further represents that there is due him from the government the sum of \$2,531 63, which sum embraces the amount stated in said certificate, and the amount for the last quarter of 1838, after deducting the small amount indorsed on the certificate, which sum (accidentally obtained after said Crane had absconded) is all that has ever been received of said dues.

Petitioner presented his claim to Congress, through the House of Representatives, at the second session of the Twenty-sixth Congress, and it was referred to the Committee of Claims. It was again presented in the House of Representatives at the second session Twenty-ninth Congress, and referred to same committee, who made an adverse report, (No. 761.) At first session Twenty-eighth Congress it was again presented, and referred to same committee; and again at the first session Thirtieth Congress, at which last session the said committee was discharged, and the petition laid on the table. At first session Thirty-first Congress it was again presented, and referred to same committee, and at second session Thirty-first Congress said committee reported favorably thereon, (Rep. No. 80,) accompanied by a bill (No. 484,) which was referred to the Committee of the Whole House, but was not reached on the calendar. Said report accompanies this petition. Petition was also presented in the Senate, at the — session Thirty-first Congress, and referred to the Committee of Claims, but no report was made thereon.

He therefore prays that this his claim may be favorably considered by this honorable body.

DISTRICT OF COLUMBIA, *County of Washington*, ss.

Before me personally appeared C. W. Downing, who, being duly sworn, says that the facts contained in the foregoing petition are true, to the best of his knowledge and belief.

COURT OF CLAIMS.—No. 551.

AUGUSTUS STEELE *vs.* THE UNITED STATES.

Schedule of evidence on file.

The petition.

Letter of C. W. Rockwell, commissioner of customs, of date Jan. 23, 1852, to Secretary Treasury.

Letter of Hon. T. Corwin, Secretary Treasury, to Hon. Daniel Mace, chairman Com. Claims, Ho. Reps., (Jan. 24, '52.)

Letter from John Rodman, collector at St. Augustine, Fla., to Secretary Treasury, (May 18, '36.)

Letter from Secretary Woodbury to Hon. David Russell, chairman Com. Claims, Ho. Reps., (Jan. 11, '41.)

Letter from Secretary Woodbury to governor of Florida, (Feb. 1, '41.)

Letter from T. S. Smith, register, to Secretary Woodbury, (Jan. 8, '41.)

Certificate of T. L. Smith, register, (with accompanying papers on same sheet,) showing that the advances were made by Treasury Department to Crane, (July 9, '42.)

Crane's bond, &c., approved July 31, '37.

Letter from C. J. Sibley, U. S. district attorney, to Hon. Mr. Gilpin, solicitor of the Treasury.

Steele's affidavit, (Feb. 1, '48.)

Letter of S. Barton, Secretary Treasury, to J. T. Walker, (July 2, '46.)

Ambrose Crane's declaration, showing justice of Steele's claim, (Sept. 6, '49,) with certificate of clerk circuit court of Cameron county, Texas, that Israel B. Bigelow was chief justice of said county, &c.

Letter from Gen. Jesup to Steele, (June 1 '40.)

Letter from Crane to Steele, (Aug. 14, '37.)

Wm. P. Duval's certificate.

Orders from Collector Crane to deputy collectors and inspectors.

Certificate of Collector Crane, (Nov. 15, '38.)

Certificate of Collector Crane, (Jan. 18, '50.)

Certificate of sundry citizens of Florida.

WASHINGTON, *August 7, 1858.*

SIR: Herewith I furnish you a schedule of the evidence on file in the Court of Claims, in the case of Augustus Steele *vs.* United States. And I hereby notify you that the evidence on part of the plaintiff is closed.

Very respectfully,

C. W. DOWNING,
Attorney for Complainant.

JOHN D. MCPHERSON, Esq.,
Deputy Solicitor Court of Claims.

The case of Steele is ready upon the part of government.

D. RATCLIFF,
Assistant Solicitor of Court of Claims.

Commissioner of Customs to Secretary of Treasury.

TREASURY DEPARTMENT,
Office of Com. of Customs, Jan. 23, 1852.

SIR: The letter of the Hon. D. Mace, dated the 20th instant, referred by you to this office for information respecting the claim of Augustus Steele, late inspector at St. Marks, Fla., has been received, and, in reply, I have to state, that Mr. Steele receipted in full to the late collector, Ambrose Crane, for the various sums which were due to him, and in the adjustment of the accounts of Mr. Crane as collector at St. Marks, at the office of First Comptroller of the Treasury, he was accordingly credited with the same.

Mr. Crane was found to be a debtor to the United States, upon the last adjustment of his accounts, and a suit was instituted, but as yet nothing has been recovered.

Herewith are inclosed a copy of the bond of Mr. Crane, as requested in the letter of Mr. Mace; also the papers in connection with the claim of Mr. Steele sent by you to this office.

I have the honor to be, very respectfully, your obedient servant,
C. W. ROCKWELL,
Commissioner of Customs.

Hon. THOMAS CORWIN,
Secretary of the Treasury.

Secretary of the Treasury to Committee on Claims.

TREASURY DEPARTMENT, *January 26, 1852.*

SIR: In reply to the request of your letter of the 20th instant, for information in regard to the claim of Augustus Steele, I have the honor to inclose the report of the commissioner of the customs, of the 23d instant, showing that Mr. Steele has duly acknowledged the receipt from the late collector at St. Marks, of the several sums due him as an officer of the customs, and that these receipts have been allowed as vouchers to rule payments to Mr. Steele by the accounting officers in the settlement of the accounts of the late collector with the United States; and the sums therein stated to have been paid by him to Mr. Steele have been duly carried to the credit of the late collector. The United States have therefore paid Mr. Steele his compensation, through the usual channel of the collector. If Mr. Steele intrusted Mr. Crane with the money so paid, or constituted him his agent, by intrusting him with the vouchers without payment, that seems to have been entirely a personal matter between themselves as individuals, and furnishes no sufficient ground for claim payment of the United States a second time.

Agreeably to your further request, I have also the honor to inclose

a copy of the official bond of Ambrose Crane, as collector of St. Marks, together with the papers transmitted with your letter.

Very respectfully, your obedient servant,

THOS. CORWIN,
Secretary of the Treasury.

Hon. DANIEL MACE,
Of Committee on Claims, House of Representatives.

Secretary of the Treasury to George Gibbs.

TREASURY DEPARTMENT, *June 2, 1836.*

SIR: The Hon. Joseph M. White, of the House of Representatives, having made a representation to the department on your behalf, setting forth that he had been informed the collector of St. Augustine had neglected to pay you your compensation as inspector of the customs for that district, and that a considerable balance was due you, that officer was called upon for an explanation, which is furnished in the inclosed copy of a letter addressed to me by Mr. Rodman, under date of the 18th ultimo, and is forwarded for your information.

As the collector considers your present compensation too high for the services rendered by you, I have to request that you will furnish the department with a detailed statement of your duties, specifying the number of days you are actually employed in each month, &c.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Mr. GEORGE GIBBS,
Inspector, &c., St. Augustine.

John Rodman to Secretary of the Treasury.

COLLECTOR'S OFFICE, ST. AUGUSTINE,

May 18, 1836.

SIR: By last evening's mail I had the honor to receive your letter of the 2d instant, in which you mention that you had lately received a letter from Mr. George Gibbs, the inspector of customs, complaining of my neglect of paying money due to him from the United States.

Now, this Mr. Gibbs made a similar complaint against me last year, through Colonel White, our delegate in Congress; and this new complaint is equally unfounded as the former one, to which I replied fully, in my letter to you, dated the 27th February, 1835, to which I beg leave to refer you. I do not admire the character of this Mr. Gibbs as a public revenue officer; he is offended with me for not having countenanced his conduct in attempting, as I considered, to defraud the United States by an increase of his pay unjustly and illegally. The compensation allowed to him as inspector amounts to

\$547 50 a year, which appears to me to be far too much, as his office is almost an entire sinecure, and the inspector at Jacksonville, on the St. John's river, is allowed only \$300 a year, and the one lately at Musquito inlet was allowed only \$200 a year, and each of these have had quite as much to do as Mr. Gibbs has had for many years past.

With regard to my alleged neglect of paying Mr. Gibbs, it is a shameful misrepresentation. I paid him for the two quarters before the last, ending the 31st of March last, at different times, the sum of \$385, for which I have his special receipts, being \$109 more than was due him. His last quarter's account is for \$136 50, from which deduct the \$109 paid to him, leaves a balance due to him of \$27 50 on the last quarter.

This amount I shall pay to him as soon as I receive funds from the Treasury Department, according to my letter to you, dated the 9th ultimo. Ever since I have been in office it has been the practice of the Treasury Department to furnish me with no funds to pay the quarterly disbursements here, either to the inferior officers or for any other expenses, until my quarterly account current and vouchers have been received at Washington, and often for some time afterwards. With the highest respect and due deference I submit to this practice, though I must candidly say that I cannot perceive the good sense, justice, and sound policy of it, when no revenue is collected by the collectors, and they are all required to give good security, on bonds, for the faithful discharge of their duty.

I am sorry that there has been a greater delay than I anticipated in transmitting to the Comptroller or First Auditor, my statement to convince him of the errors in my account, according to Mr. Anderson's view of it. It is somewhat voluminous, and I had no clerk to write for me; and having, for some time, lately, undertaken to obtain a cure for my infirmity of deafness, by following the treatment recommended by the celebrated French physician, LeRoy, in whose medical doctrine in all diseases I have the highest opinion; and as his mode of treatment requires a daily purgation (in chronic diseases, as mine is) for several months, in regular succession, it has prevented me from attending in due time to my statement. I shall, however, now suspend my medicine, for a few days, to enable me to prepare and complete my statement, and send it to the Comptroller, for his fair and candid examination.

With great respect, I have the honor to be, your obedient servant,

JOHN RODMAN,
Collector of St. Augustine.

The Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

Secretary of the Treasury to Committee on Claims.

TREASURY DEPARTMENT, *January 11, 1841.*

SIR: Your letter of the 6th instant, and its inclosures, on the subject of the claim of Augustus Steele, was duly received, and was referred to the Register of the Treasury for the information desired.

I have the honor to inclose herewith a letter, this day received from that officer in reply, together with the papers which accompanied your letter.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

Hon. DAVID RUSSELL,

Chairman Committee on Claims, House of Representatives.

Register of the Treasury to the Secretary.

TREASURY DEPARTMENT,
Register's Office, January 8, 1841.

SIR: In compliance with your reference of the letter, and accompanying papers, of the Hon. D. Russell, I have examined the accounts of Ambrose Crane, late collector at St. Marks, and find that he has been credited on the receipts of Augustus Steele and others with the following payments:

To Augustus Steele, for the quarter ending June 30, 1837.....	\$136 50	
To Augustus Steele, for the quarter ending September 30, 1837	138 00	
To Augustus Steele, for the quarter ending December 31, 1837.....	276 00	
And for additional compensation, authorized by the Secretary of the Treasury, from the 1st April to the 30th September, 1837.....	274 50	
	<hr/>	\$825 00
To Augustus Steele, for the quarter ending March 31, 1838	270 00	
To Augustus Steele, for the quarter ending June 30, 1838	270 00	
To Augustus Steele, for the quarter ending September 30, 1838	270 00	
To Augustus Steele, for the quarter ending December 31, 1838.....	270 00	
	<hr/>	1,095 00
		<hr/>
		1,920 00
		<hr/>
		<hr/>

Mr. Crane has been credited also for payments made during the above periods to the boatmen at Tampa Bay, amounting to \$2,520, or \$360 per quarter. The payments were credited on receipts, witnessed by Augustus Steele.

The credits abovementioned having been made on receipts duly attested, and given for the specific sums and for the periods stated, it would appear that Mr. Steele had been fully paid for the services, and

for the time referred to in his memorial. *It may be observed, however, that the collectors at some of the small ports not having funds on hand, obtained receipts from inspectors and others, to authorize the amounts to be passed to their credit at the Treasury, and thereon predicate a requisition for advances; at the same time, in lieu of payment, give a certificate of the amount due.*

From the representations of Mr. Steele, it is probable "similar arrangement was made with him by the collector, who, having left the country, neglected to take up his certificate or due bill."

I have the honor to be, sir, your obedient servant,

T. L. SMITH.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Secretary of the Treasury to the Governor of Florida.

TREASURY DEPARTMENT,
February 1, 1841.

SIR: Your letter of the 25th ultimo, complaining of the removal of the deputy collector and inspector at Tampa Bay by the collector of the district, is this day received.

I have shown your letter to the President. The Attorney General has decided that the collectors can remove from office their inspectors and other subordinate officers without the sanction or interference of the President or the Secretary of the Treasury, and, consequently, neither of us can prevent Mr. Beattie's course on the subject.

But if the collector so misbehaved on this or any other subject so as to deserve removal himself, the President will, on its being shown, do on that point, at once, what the public interest shall appear to require.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

His Excellency ROBERT RAYMOND REID,
Governor of Florida, Tallahassee.

Certificates of Register of the Treasury.

TREASURY DEPARTMENT,
Register's Office, July 9, 1842.

I hereby certify that Ambrose Crane, late collector of St. Marks, is charged with the following sums, being drafts drawn by him, per

authority of the Comptroller of the Treasury, on the collector at New Orleans:

Draft per Compt's order, dated 6th October, 1838....	\$6,050
Draft per Compt's order, dated 26th Feb., 1839.....	3,000
	<hr/>
	9,050
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T. L. SMITH, *Register*.

Were the drafts above specified on account of balances due Mr. Crane as per his account upon the books of the department at the date of the drafts?

Is there anything known to the accounting officers of the Treasury, or appearing among the papers, or upon the account of Mr. Crane, from which it appears that he drew money to pay claims which had been receipted for to enable him to draw the money?

B. S. COWEN.

JULY 11, 1842.

TREASURY DEPARTMENT,
Comptroller's Office, July 11, 1842.

The drafts above specified were drawn by the First Comptroller on the collector of New Orleans in favor of Ambrose Crane, collector of St. Marks, as an advance on account of the expenses of his district.

COMPTROLLER.

Ambrose Crane's Bond.

Know all men by these presents, that we, Ambrose Crane, Peter H. Swaim, and Arthur Macon, are held and firmly bound unto the United States of America in the full and just sum of two thousand dollars, money of the United States, to which payment well and truly to be made, we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators, firmly by these presents.

Sealed with our seals, and dated this second day of June, one thousand eight hundred and thirty-seven.

The condition of the foregoing obligation is such that, whereas the President of the United States hath, pursuant to law, appointed the said Ambrose Crane to the office of collector of customs for the district of St. Marks, and inspector of the revenue for the port of Magnolia, in the Territory of Florida.

Now, therefore, if the said Ambrose Crane has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge all the duties of the said office, according to

law, then the above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue.

AMBROSE CRANE. [L. S.]
P. H. SWAIM. [L. S.]
ARTHUR MACON. [L. S.]

Sealed and delivered in presence of—

Witnesses: ROBERT FLOYD.
G. G. HOLT.

OFFICE OF U. S. ATTORNEY,
Middle District of Florida, July 4, 1837.

I hereby certify that Peter H. Swaim and Arthur Macon, Esqrs., who appear to have executed the within bond as sureties, are generally esteemed to be, and in my opinion undoubtedly are, good for the amount of the bond; that they reside in this (Leon) county, and I would take either of them without hesitation as security for a private debt of that amount.

The signatures appear to be genuine.

CHARLES S. SIBLEY,
District Attorney.

TREASURY DEPARTMENT,
Comptroller's Office, July 31, 1837.

Approved on the above certificate.

GEORGE WOLF,
Comptroller.

C. J. Sibley to the Solicitor of the Treasury.

OFFICE UNITED STATES ATTORNEY,
Middle District Florida, Tallahassee, July 6, 1839.

SIR: I inclose a report of two suits instituted in the name of the United States, against Peter H. Swaim and Martha Macon, administratrix of Arthur Macon, deceased, upon the official bond of Ambrose Crane, late collector of the customs for the port of St. Marks.

The judgments against the two defendants being different, one *de bonis intestatis*, the other *de bonis propriis*, is my reason for the severance of the suits. Ambrose Crane has been in Texas sometime, and I am informed, by one of his sureties, he has removed most, if not all, of his property there.

The certificate of the Register of the Treasury was omitted to be attached to the copy of the bond, which will make a new copy, certified, necessary.

I am, very respectfully, your most obedient servant,

CHARLES J. SIBLEY,
United States District Attorney.

Hon. H. D. GILPIN,
Solicitor of the Treasury.

A. Steele's affidavit.

I solemnly swear that the amount due me, and which I claim from the government, as set forth in the papers and documents in the hands of Joseph T. Walker, Esq., for services as inspector and deputy collector and for pay and support of the government boat's crew, at the port of Tampa Bay, under my charge, paid and supported out of my private funds, through the default and fraud of Ambrose Crane, then collector of the district of St. Marks, is justly and honestly due me; that I have neither directly nor indirectly received any part of the said amount, nor in any way negotiated or deposited any part of such sum for the benefit of any other persons, but that I have been defrauded out of it by the false representations of the said Crane, by the custom of receipting the accounts before payment, required and practised from the time of my entering the office, in 1830, to the period of the fraud committed by said Crane, and by his promises and authority to draw on him for the amount then due me, when he privately contemplated absconding to Texas, which design he carried into effect in the autumn, as near as I recollect, of 1838, leaving me unpaid, and carrying with him the money which was drawn from the department for the payment of my dues. I further state, that on the appointment of his successor, Mr. Beattie, and my refusal any longer to forward my receipted accounts before payment, said Beattie dismissed me from office, without any cause assigned, or at least without any charges of misconduct or inability, as was personally stated to me by Mr. Woodbury, then Secretary, but upon the opinion of the Attorney General, given in writing, and stated in a letter from Mr. Woodbury to Governor Reid, of Florida, that the collector, being bound for the official conduct of his subordinates in office, had the right to dismiss them; thus compelling, on the one hand, as in my case, the rendition of receipted accounts before payment, at the hazard of being defrauded, or, on the other, incurring the displeasure of the collector and dismissal from office. Between these two horns of a dilemma, I had no recourse but in the justice of the department or Congress. The department, through the Comptroller, viewed the subject unfavorably to my claim, and lays stress upon my receipt of payment and the accompanying oath, and inquires why I had not given notice to the department that I was not paid, that the securities of Crane might have been made liable? To this inquiry I answer, in addition to what is before stated as to promises and false representations, that as soon as fraud and dishonesty were suspected, I gave such notice through the then delegate of Florida, Mr. Downing.

To the startling objection, that "I have an oath" recorded against me, I say that the form of account in this case is prescribed by the department, and no departure from it is permitted; that the oath is embraced with it; and that no receipt is given, or can be given, without it; and that the oath presupposed that the money would certainly be paid. The oath was administered two hundred miles distant from where the money was to be drawn, and whether sent to a private agent or to the collector himself, the payment it deposed to have been made was *not* made, and could not have been made at the time of its admin-

istration, and yet by the prescribed form the oath was *compelled to be taken*.

These facts and statements I solemnly swear to be true in every particular, so help me God.

AUGUSTUS STEELE.

Sworn and subscribed before me, February 1, 1848.

J. S. COOPER,
Justice of the Peace.

Solicitor of the Treasury to Joseph T. Walker.

OFFICE OF THE SOLICITOR OF THE TREASURY,
July 2, 1846.

SIR: I have received your letter of the 29th ultimo, and in reply to your inquiries respecting the suit instituted against Ambrose Crane, former collector of port of St. Marks, have to state, that it appears from the dockets and files of my office, that the suit was ordered on the 11th June, 1839, for the recovery of \$3,169 75, due from him to the United States, and on the 6th July, 1839, Charles S. Sibley, Esq., United States attorney for the district of Middle Florida, reported that he had instituted two suits, "in the name of the United States, against Peter H. Swaim and Martha Macon, administratrix of Arthur Macon, deceased, upon the official bond of Ambrose Crane, late collector of customs for the port of St. Marks. The judgments against the two defendants being different—one *de bonis intestatatis*, the other *de bonis propriis*—is my reason for the severance of the suits. Ambrose Crane has been in Texas some time, and, I am informed by one of his sureties, he has removed most, if not all, of his property there."

The account of Mr. Crane was reduced by subsequent settlement, in August, 1839, to \$2,456 27. Judgments have been recovered against the sureties for the penalty of the bond, but no part of the debt has been collected, and the whole amount, of course, remains unpaid.

The letter of the district attorney of 6th July, 1839, above referred to, and of which I inclose a copy, furnishes the only evidence I find in this office respecting the removal of Mr. Crane from Florida to Texas.

The default of Mr. Crane appears to have been communicated to this office on the 11th June, 1839, though it doubtless took place some time previous; and if specific evidence on that point is desired, it can be obtained, no doubt, at the office of the First Comptroller of the Treasury.

I have the honor to be, very respectfully, your obedient servant,

S. BARTON,
Solicitor of the Treasury.

JOSEPH T. WALKER,
Washington City.

Ambrose Crane's certificate.

I certify, on oath, that the certificate hereunto appended is true; that the amount due as stated therein, as well as pay for the subsequent quarter, is justly due Augustus Steele, and though he receipted for his salary as well as for the pay of the boatmen in his charge for the several quarters and sums as stated in the report of the Register of the Treasury dated 8th of January, 1841, he did, at my request, and in compliance with the usage of the collector's office at St. Mark's at the time, when there was not sufficient funds accruing to meet the expenses of the district, and for the purpose of enabling me to perfect his accounts and obtain money from the Treasury Department with which to pay him, and that it was upon the faith of the vouchers thus made I was enabled to obtain funds from the Treasury Department, and without such vouchers, first presented, I should have been unable at that time to have procured funds to meet the expenses of the district; that my last draft, by the authority of the Comptroller of the Treasury of February 26, 1839, on the collector at New Orleans for the sum of three thousand dollars was intended to pay said Steele's claim and take up my said certificate, but, with every intention to meet my obligations, the force of absolute necessity, of causes beyond my control, and of overwhelming misfortunes, overcame me and compelled me to leave Florida much involved and unable to meet the obligations of the government to said Steele, who, consequently, notwithstanding his receipts, has never received from me any portion of the amount named in my certificate of November 15, 1838, excepting the amount indorsed on its back, nor for the last quarter of the year 1838; but the same is actually still due him and unpaid so far as I know and believe.

AMBROSE CRANE.

BRAZOS ST. IAGO, TEXAS,
September 6, 1849.

Witnesses: J. W. POWERS.
CHAS. DUNBAR.

THE UNITED STATES OF AMERICA, }
The State of Texas. }

Be it known, that on this seventeenth day of September, in the year one thousand eight hundred and forty-nine, personally came and appeared before me, Henry Lyman Howlett, a notary public in and for the county of Cameron, and State of Texas aforesaid, duly commissioned and sworn, Jeremiah W. Powers, who signed the preceding declaration of Ambrose Crane as a witness, and to me well known, who, being duly sworn by me according to law, did depose and say, that on the sixth day of September instant, one Ambrose Crane, at Brazos St. Iago, in the State aforesaid, did sign the preceding declaration in his (the deponent's) presence; and further, that the said Ambrose Crane did acknowledge himself to be under oath in making said

declaration; and further, that there was not, at that time, any officer authorized to administer an oath at the Brazos St. Iago.

J. W. POWERS.

In testimony whereof, I have hereunto subscribed my name and
[SEAL.] affix my notarial seal of office, in the town of Brownsville,
in said county, this 17th day of September, A. D. 1849.

H. L. HOWLETT,
Notary Public.

General Jesup to Augustus Steele.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, June 1, 1840.

DEAR SIR: In reply to your inquiry in relation to the conduct of Ambrose Crane, Esq., late acting quartermaster and commissary in Florida, I have the honor to inform you that I found Mr. Crane employed in those capacities on my arrival in Florida, and having no officer to replace him, I was compelled to retain him in the military service. This I was the more readily induced to do in consequence of the confidence reposed in him by the Treasury Department. He performed the executive part of his duty satisfactorily for some time; but I find that he has not accounted for the large amount of property which was necessarily placed in his hands, though I have evidence of his having applied part of it to the public service. I find also that he sold a considerable amount of public property and has not accounted for any part of the proceeds. He is said to have fled to Texas.

I am, most respectfully, your obedient servant,

TH. S. JESUP.

Hon. A. STEELE,
Of Florida, now at Washington.

Ambrose Crane to Augustus Steele.

ST. MARK'S, *August 14, 1837.*

DR. STEELE: Not having received from the Treasury Department any instructions in regard to entering goods, &c., in your port, I am inclined to think they have written to you on the subject; at any rate, I wish you would send me an abstract of all the entries made with you during the last quarter, as I cannot complete my returns until I receive them.

I have everything ready to send as soon as I get them, and if there is anything wrong they will, no doubt, show us how to correct it. Willis turned over a bond for \$1,027 94 due June 19, but it is not paid, nor do I know when it will be. And I suppose our accounts will have to be audited at Washington before we get an ORDER for our pay. D. M. Shiffeld has lately been appointed surveyor of this port,

and John C. Duval, inspector. Neither of them have yet got settled in their office. I am so bothered with the d——d quartermaster business that I mean to give it up as soon as I can get rid of it; it gives me no time to eat or sleep. There is no news here, and we are anxious to hear how the Indians are *slawing you up* at Tampa.

Very respectfully, your obedient servant,

AMBROSE CRANE.

Certificate of W. P. Duval.

I certify that I knew Mr. Ambrose Crane, late collector of the revenue at St. Marks, from the year 1823 to the fall of 1838. That I have often seen him write, and have, as advocate and counsel, received many letters from him on business. His handwriting is well known to me, and the receipt given at St. Marks, in Florida, dated November 15, 1838, to Augustus Steele, Esq., for the sum of two thousand and fifty-four $\frac{74}{100}$ dollars, is signed by the said Crane. The receipt itself is, I believe, in the handwriting of the said Steele.

I know that Mr. Crane was in the constant habit of receiving the vouchers and receipts of his subordinate officers before they were paid and transmitting them to the proper department. This came to my knowledge from him and a son of mine, who was the inspector of the revenue at St. Marks under Mr. Crane; and he was in the habit of furnishing Mr. Crane, the collector, with his vouchers receipted, before he received his salary as inspector. Mr. Crane run off from Florida, I believe, in the latter part of November, 1838, to Texas. He owed much money at the time to individuals. I had brought suit against him for a vessel and cargo of lumber that he sold for my client not a dollar of which he ever paid; and the proceeds of the sale was three thousand dollars, at least. Mr. Crane gave me positive assurance he would pay the money; but without resigning his office, he left the country, taking with him his effects. And to prevent suspicion, he left his family, who afterwards went to Texas to join him. I recollect at the time many persons were complaining of the frauds practised on them by Mr. Crane. And I heard several friends of Mr. Steele lament that he had been defrauded by Mr. Crane of a large sum of money which was due to him as deputy collector and inspector at Tampa Bay, for his salary as inspector, and for the services of seamen who belonged to his revenue boat at that place. These facts I will swear to, either before a committee of Congress, or in any other manner they may direct. June 30, 1842, Washington city. I reside at Tallahassee, in about twenty miles of St. Marks, and was often at the port during the time Mr. Crane was collector.

WM. P. DUVAL.

Ambrose Crane to Augustus Steele.

CUSTOM-HOUSE, ST. MARKS, *January 9, 1838.*

DR. STEELE: Your returns and letter of 2d June is received. I have, for some time past, been hurried out of all reason in consequence of my clerk playing the drunken fool, and had no time to write you. I received a letter from Mr. Woodbury, dated 13th December, informing me that in consequence of application by Willis, and my concurrence in the same, your per diem of three dollars is allowed from the 31st of March last. You will therefore make out your extra accounts for service for the second and third quarters, and your fourth at the full rate of three dollars, *and send me first opportunity, so I can get all my papers ready*, as I have a good deal of foreign business, and am all alone, and have been confined three days by sickness. We have no news; our mail contract has stopped short, and we do not know when we shall get it in operation again.

I have but just received my order to remove the custom-house to this place.

Very respectfully, yours, &c.,

AMBROSE CRANE,
Collector.

Ambrose Crane to Augustus Steele.

ST. MARKS, *April 4, 1838.*

DEAR STEELE: I have but a moment to write to you, as Captain Holly is just about to start.

I was compelled to start, at twelve hours' notice, on a trip that finally brought me up in Texas, to secure a sum far too great for me to lose, considering I have been losing for three years past, and have just returned and found all pretty well. I took my wife and children to New Orleans, but when I found I had to go further, sent them back.

I had arranged all my accounts to the 1st January, but when I returned, found a letter from the Comptroller, giving a statement from Willis's accounts, containing some errors to be corrected and incorporated into my account, which has kept me busy; but I have got them all arranged and sent on, and requested authority to draw for enough to insure a settlement of all accounts of the district.

I am now making out my accounts for the first quarter, and will have them finished this week. Should Captain Holly return soon, *please send your accounts, that I may get Uncle Sam as much in debt as I can when I do undertake to draw on him.**

Should Captain Holly not return here, I will request him to pay over to you all the money he may have for me at Tampa, and for which you may receipt and give me credit on account of your public affairs.

Very respectfully,

AMBROSE CRANE.

* When he did undertake to draw, he drew upwards of \$9,000, and took it to Texas.

Certificate of Ambrose Crane.

CUSTOM-HOUSE, ST. MARKS,
November 15, 1838.

I certify that there is due to Augustus Steele, inspector of the customs at the port of Tampa, and the seamen employed in the revenue boat under his charge, the sum of two thousand fifty-four $\frac{74}{100}$ dollars, for services performed up to the 30th day of September, 1838, inclusive.

AMBROSE CRANE, *Collector.*

Received, Tampa, February, 1839, from Ambrose Crane, Esq.; the sum of \$158 37 $\frac{1}{2}$, in part for the amount due within.

AUGUSTUS STEELE.

Affidavit of A. P. W. Crane.

STATE OF FLORIDA, *Leon County:*

I certify on oath, that in the latter part of the year 1838, I was an inspector of customs at the port of St. Mark's, in the State of Florida, and acting as deputy collector under Ambrose Crane, then collector for the district of St. Marks, and that I continued to act in those capacities after Mr. Crane, the said collector, had taken his final leave, and until his successor assumed the duties of the office on the 22d day of May, 1839; that it had been the practice of the collectors of said district to require of the subordinate officers the rendition of their receipted accounts in advance of the end of each quarter, and before payment. And in accordance with this, at that time invariable practice, the inspector at Tampa Bay had always rendered his receipted accounts. That sometime after the departure of the said collector, the said inspector, "Augustus Steele," made application to me at the collector's office for adjustment and payment of his accounts, and that as nearly as I could ascertain from the books and papers of said collector, a considerable sum was then due to the said inspector, "Augustus Steele," amounting, as I now believe, to what he claims for his unpaid services to that time.

I further swear, that I have subsequently been well acquainted with the circumstances of the said Ambrose Crane, while residing at Velasco and Galveston, Texas, and I can safely affirm that his pecuniary situation has invariably been such, that whatever disposition he may have had to pay the arrears due the said Steele, it has been next to a physical impossibility for him, the said Crane, to have done so, and that, to the best of my knowledge and belief, no subsequent payment has ever been made, and that the amount claimed is still due to the

said Augustus Steele for services as before stated. It may be proper furthermore, to state that my absence for several years has put it out of the power of Mr. Steele to have obtained at an earlier period the statement which I *now* cheerfully make as an act due alike to him and to justice.

ALEX. P. W. CRANE.

Sworn to this 18th day of January, 1850, before me,

JOHN J. ROWLES,
Notary Public for Leon County.

STATE OF FLORIDA :

I, Charles W. Downing, secretary of state of the State of Florida, do hereby certify that John J. Rowles, whose signature is subscribed to the instrument of writing hereto annexed, is and was at the time of subscribing the same, a notary public in and for the county of Leon, in this State, duly commissioned and qualified, and that full faith and credit are due to his official acts.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Florida, at the capitol, in the city of
[L. s.] Tallahassee, this 17th day of January, A. D. 1850.

C. W. DOWNING,
Secretary of State.

Certificates of sundry citizens.

We, the undersigned, residents within the district of St. Marks, Florida, do hereby certify that we are personally acquainted with Ambrose Crane, late collector for the aforementioned district, and was cognizant of the clandestine manner in which he left his situation here, and removed to the then republic of Texas, without a liquidation of either his public or private liabilities; and we had further knowledge from public rumor and otherwise of his being a considerable delinquent to Mr. Augustus Steele, inspector of customs at Tampa Bay, in his official capacity, without knowing the precise amount.

And from his manner of leaving this country, and the various liabilities left unsettled and still remaining so, it is not only improbable, but impossible to suppose any part of the amount due Mr. Steele from the United States for services to have been paid by said Crane since; and, finally, from our knowledge of Mr. Steele's character for integrity and moral rectitude, we must fully believe in his declarations at the time and since, that Mr. Crane, late collector, had wronged him out of a considerable amount of money due him from the government, transmitted through the hands of said Crane, and never paid over by him.

Given under our hands at St. Marks, Florida, this 9th day of May,
in the year of our Lord 1848.

A. M. ALEXANDER, (dead,)

Dep. Coll. and Inspector of Customs, District of St. Marks.

W. H. BRODE.

J. VAIL.

GEO. G. HOLT,

A resident of St. Marks at the time of occurrence.

G. MILLER.

DAN'L LADD,

A resident of Magnolia, three miles from St. Marks, at the time.

